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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,607	10/12/2001	Michael B. Elliott	33836000013	3270

30498 7590 05/17/2006

ACCENTURE  
C/O VEDDER PRICE KAUFMAN & KAMMHOLZ, P.C.  
222 NORTH LASALLE STREET  
CHICAGO, IL 60601

EXAMINER

CAMPEN, KELLY SCAGGS

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,607	<b>Applicant(s)</b> ELLIOTT ET AL.	
	<b>Examiner</b> Kelly Campen	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,7 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,7 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

Claims 1-4, 7, 15-18 are currently pending. Claims 6, 8, 10, 11, 13-14, 19-21 have been canceled in the amendment filed 4/7/06.

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/26/2006 has been entered.

### ***Specification***

The abstract of the disclosure is objected to because the content is more than one paragraph and the language is implied (see below for further detail). Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use

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thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 4, 15, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al in view of White et al.

Szlam et al disclose improving or enhancing debt collection from a plurality of debtors including classifying a debtor (and debtor likelihoods) into at least one of a plurality of attitudinal elements (col 21, lines 1-10) each of said attitudinal elements corresponding to a group of debtors having similar responses to different debt collection strategies, and each of said attitudinal elements suggesting a debt collection strategy which is then assigned (via a relative value) and employed (col 22, lines 50-67; col 23, lines 1-10). A collection agent is determined having a skill set conforming to a debtors attitudinal profile and likelihood to make payment on debt (col 22, lines 61-65). Identifying debtors sharing a set of values and preferences for how they wish to be treated is disclosed (col 21, lines 1-10). Optimal allocation of available collection resources is disclosed (col 7, lines 45-65, written correspondence sent (col 22, lines 39-49). The use of a "forceful voice (col 23, lines 1) encompasses "aggressive" collection tactics.

Szlam et al do not describe their attitudinal elements as "segments. "

White et al disclose use of segments (para 0022) and modeling (para 0023, 0024, 0040).

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It would have been obvious to one with ordinary skill in the art to include segments because White et al teaches segmentations as useful in the debt collection process (para 0022).

It would have been obvious to one with ordinary skill in the art to include modeling because White et al teaches modeling typical of computer processing of debt collection strategy (para 0040).

Szlam et al specifically discloses the use of scripts in the prior art (col 1, line 29-32).

Szlam et al in view of White et al do not specifically describe their scripts as "negotiation scripts". While it is the examiner's position that such is inherent to the prior art, the reference to Hamscher specifically discloses such (para 0058).

Claims 2, 7, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al in view of White et al as applied to claims 1, 4, 15-18 above, and further in view of Makuch et al. as applied in the above and in the prior office action.

Claims 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szlam et al in view of White et al in further view of as applied 1 above, and further in view of Hamscher in view of Makuch et al.

Hamscher is applied as describe in the above rejection utilizing the reference.

Szlam et al, White et al, and Hamscher do not specifically disclose segments that include debtors who value the ability to restructure debt payment or debtors who are concerned about credit rating.

Makuch et al disclose concern of debtors regarding credit rating and value to continue as a customer of debt payments restructure debt (page 102: col 1, para 2; col 2, para 1)

It would have been obvious to one with ordinary skill in the art to include segments that include debtors who value the ability to restructure debt payment or debtors who are concerned about credit rating because Makuch et al teaches further attitudinal classifications than are taught by Szlam et al.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

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Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 4, 7, 15, 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 5-7 of copending Application No. 10/011523 in view of Szlam et al.

What is not claimed in the copending application is the use of attitudinal segments.

Szlam et al disclose attitudinal segments/classification.

It would have been obvious to one with ordinary skill in the art to include in the claims pending such since Szlam teaches sensitivity profiles as enhancing debt collection (col 20, lines 43-44).

This is a provisional obviousness-type double patenting rejection.

Claims 1, 3-4, 7, 15, 18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/2002262 in view of Szlam et al.

What is not claimed in the copending application is the use of attitudinal segments.

Szlam et al disclose attitudinal segments/classification.



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It would have been obvious to one with ordinary skill in the art to include in the claims pending such since Szlam teaches sensitivity profiles as enhancing debt collection (col 20, lines 43-44).

This is a provisional obviousness-type double patenting rejection.

### ***Response to Arguments***

Applicant's amendments have overcome the 35 USC 112 second paragraph rejection.

Applicant's arguments have overcome the 35 USC 101 rejection. The 35 USC 101 technological arts rejection has been withdrawn.

Applicant's arguments filed 4/7/06 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With regards to applicants argument that he Szlam reference does not teach or suggest any type of method for improving debt collection from a plurality of debtors nor any attitudinal classifying of debtors into attitudinal segments according to attitudinal

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profiles where the segments suggest a debt collection strategy to employ with respect to the debtor as no debt collection strategies of any kind are taught in the Szlam reference, Examiner disagrees and refers applicant to the rejection above for specific citations and reasoning.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Campen whose telephone number is (571) 272-6740. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Kelly Campen

VINCENT MILLIN  
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